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DEPARTMENT FOR AF/E

LONDON, PARIS, ROME FOR AFRICA WATCHER

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SUBJECT: ETHIOPIA: INTER-PARTY TALKS ON ELECTORAL LAWS
CONCLUDE WITH PARTIAL AGREEMENT

REF: A. ADDIS ABABA 02032

1B. ADDIS ABABA 02123

1C. ADDIS ABABA 03120

1. (SBU) SUMMARY: In a potentially significant concession, the ruling EPRDF has agreed to accept nominations from opposition parties for the National Electoral Board, and to prepare a consensus list of candidates from whom the Prime Minister will select the new board. There was no agreement, however, on the number of nominees the PM will have to choose from, and opposition leaders remain concerned that the GOE will still find a way to manipulate the selection process. Nonetheless, there is reason to hope that the new board, as well as other measures to restructure and modernize the NEB Secretariat, will significantly strengthen Ethiopia's

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electoral process. Party representatives also agreed that the local elections should be postponed from April until at least December in order to provide them enough time to recruit and organize candidates, as well as giving the NEB time to adopt reforms and complete preparations. These next elections will be critical in determining whether Ethiopia can successfully address the failures of the disputed 2005 election and rebuild public confidence in the democratic process. END SUMMARY.

TWO ISSUES DOWN, TWO TO GO IN INTER-PARTY TALKS

12. (SBU) On February 7, the ruling EPRDF and representatives of all major opposition parties concluded their talks on reform to the electoral law and the National Elections Board (NEB). Opposition parties were led in the talks by Lidetu Ayalew, United Ethiopian Democratic Party) Medhin (UEDP-Medhin); Dr. Merera Gudina and Beyene Petros, United Ethiopian Democratic Forces (UEDF); Temesgen Zewdie and Ayele Chamisso, from competing factions of the Coalition for Unity and Democracy Party (CUDP); and Bulcha Demeksa, Oromo Federal Democratic Movement (OFDM). These talks were part of a broader inter-party dialogue designed to address the parliamentary procedural reforms, which was completed in July 2006 (reftel A), electoral reform, political party financing and the press law and overall media framework.

13. (SBU) After six weeks of talks, party leaders held a joint press conference to announce progress made and reforms agreed to by all parties. The press statement outlined success on three items: 1) adoption of the NEB strategic plan proposed by international consultants; 2) postponement of the local

elections; and 3) amendments to the electoral law.

STRATEGIC PLAN AND ELECTION POSTPONEMENT HAVE CONSENSUS

¶4. (SBU) The strategic plan reviewed and adopted during the talks had been developed by British expert Hannah Roberts, who was contracted by donor countries to identify key areas for restructuring and reform within the NEB (reftel B). This plan focused on technical issues, such as expansion of the Secretariat function, bolstering NEB capacity outside of

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Addis Ababa, and enhancement of IT capabilities. As explained to Ambassador, P/E Counselor and Poloff in a series of meetings with opposition leaders, nearly all parts of the strategic plan were eventually agreed upon, with some reservations, particularly by Beyene Petros. His primary concern was that the final agreement did not establish NEB offices down to the zonal (county) level. Instead, the GoE agreed only on the creation of one new permanent office in each region. Beyene claims that this arrangement will mean continued reliance on temporary staff hired at the local level during election periods. To address this, he suggested that permanent NEB representation be established at the woreda (of which there are roughly 630) level. Additionally, Beyene and other leaders voiced concern about independent oversight of the NEB's "hiring committee," fearing that hiring would be open to politicization. (COMMENT: An independent Election Board, when established, should maintain oversight to ensure that hiring is done based on qualifications, thereby reducing these concerns. END COMMENT)

¶5. (SBU) The second significant agreement reached was the postponement of local elections. It was agreed that they be rescheduled from April 2007 (reftel C) to the December 2007 (February 2008 time period. All opposition parties agreed

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that this was preferable in order to give them time to organize candidates, also saying that they believe their constituencies would understand this decision.

SELECTION OF NEW BOARD PROVES MORE DIFFICULT

¶6. (SBU) Party representatives spent much time haggling over how to appoint new members to the NEB. According to the constitution, the PM is charged with selecting 7 nominees, subject to approval by Parliament, to serve a five-year term. Opposition parties had little say in the past in selecting Board Members and clamored unsuccessfully for a new NEB board prior to the disputed 2005 elections. Irregularities and tabulation delays in those elections fueled political violence and underscored the need to strengthen the NEB's capacity and credibility.

¶7. (SBU) Though some details remain to be clarified, party negotiators did reach important agreements on the board nomination process. First, the number of board members increased from 7 to 9. A number of minimum qualifications were established that each nominee must possess (political independence, higher education, etc.) and, importantly, all those eventually passed to the PM for consideration must have approval from every party. Nominees for board members from all parties will be submitted by the end of February, at which time parties will reconvene to discuss all the nominees submitted. The PM will eventually select 9 candidates from among these nominees submitted by the inter-party group. As all necessary vetting will have been done prior to submission to Parliament, this process should ensure a mutually acceptable board. In addition to this important progress, a number of more minor technical amendments were also made to the electoral law that seek to address disputed issues in the

previous election (e.g. enhanced immunities granted to candidates in order to provide political space for campaigning).

¶18. (SBU) The important issue still outstanding is the process by which the nominees for the NEB will be vetted in the multi-party meetings prior to submission to the PM. Beyene Petros had suggested a method whereby each representative would assign a score to a particular candidate and the candidates with the highest scores would be submitted to the PM. However, this was rejected by the EPRDF, which proposed a qualitative, rather than a quantitative method of evaluating candidates, whereby the merits of each person is discussed and each representative is free to use his veto power. Another issue not resolved was that of the total number of candidates to be submitted to the PM. Temesgen Zewdie suggested that the best 12 should be put forward for consideration. Bulcha Demeksa, following the advice of Pol/Econ Counselor, proposed 18 (equaling twice the number eventually chosen). In the end, the EPRDF insisted that the list of nominees vetted by the representatives and sent to the PM for consideration not be limited in number. Opposition parties were concerned that they will find it difficult to properly vet large numbers of candidates since their resources are limited.

NO GUARANTEE OF INTERNATIONAL OBSERVATION

¶19. (SBU) Opposition parties also sought guarantees from the GoE that international observers would be allowed to observe the upcoming local elections. Though any party participating in a precinct has the right to their own local observer, opposition representatives felt that international participation will be essential in ensuring a free and fair election. The ruling party refused to guarantee access at this point to international observers, but indicated that if international organizations apply to send observers, the GoE will consider this on a case by case basis. Further, the GoE indicated that observation by local NGOs will be permitted, so long as those organizations will have not also been involved in voter education prior to the election.

COMMENT: GOE APPEARS TO MAKE MAJOR CONCESSION ON NEB

¶10. (SBU) The EPRDF has made a major concession in giving
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every opposition party effective veto power over NEB nominees. This represents a significant shift from the ruling party's refusal to discuss the Board with opposition leaders prior to the November 2005 political violence. Party leaders remain suspicious that the EPRDF will be able to manipulate the selection process; it should be clearer within the next two months to what extent the GOE is operating in good faith. It is unfortunate that talks fell short of a full consensus, as did similar negotiations in 2006 on reform of parliamentary rules of procedure, but most opposition leaders continue to view engagement with the GOE on political reform as worthwhile. Nevertheless, the GOE has now fulfilled its promise in engaging with opposition parties on two of the major issues identified for discussion following the May 2005 Parliamentary elections. Despite maintaining a more than two-thirds majority in Parliament, the ruling EPRDF has made a significant effort to work with other parties in furthering democratic reform. In a discussion with opposition leaders on February 20, there was no consensus on names to put forward for the board. Opposition leaders argued over submission of a long or a short list, and even suggested quotas to ensure that the different opposition groups are represented on the board.

¶11. (SBU) Agreement on the donor-funded NEB restructuring and

capacity-building plan may be just as important as discussions on the NEB board. The strategic plan developed by Hannah Roberts, once implemented, will dramatically enhance the NEB's capacity to prepare for and hold elections, as well as to deal with probable post-election complaints. Once officially endorsed by Parliament, the donor community can go forward with plans to help fund implementation of the NEB strategic plan. Postponement of the upcoming local elections that had been scheduled for April will give both opposition parties and the NEB itself much needed time to prepare for these elections. These next elections will be critical in determining whether Ethiopia can successfully address the failures of the disputed 2005 election, and rebuild public confidence in the democratic process.

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